

TWENTY-FOURTH DAY
(Wednesday, February 20, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Bill Sarpalius offered the invocation as follows:

Dear Lord, we thank You for the opportunity to gather here today. We thank You for the privilege to live in a free country. Father, we thank You for the opportunity to have fair and equal representation. Please watch over and guide all of us, and help us always to be an example for You in everything we do and everything we say. In Your most precious name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 416
S.J.R. 19
S.B. 418
C.S.S.B. 258
C.S.S.B. 436

Senator Caperton submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 336
C.S.S.B. 171
C.S.S.B. 18
C.S.S.B. 60

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 386
S.B. 286

Senator Parker submitted the following report for the Committee on Education:

S.B. 325
S.B. 262
C.S.S.B. 220

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the BOARD OF REGENTS, TEXAS STATE UNIVERSITY SYSTEM: Jack L. Martin, Travis County; Philip G. Warner, Harris County.

To be a Member of the BOARD OF REGENTS, TEXAS A&M UNIVERSITY SYSTEM: L. Lowry Mays, Bexar County.

To be ADJUTANT GENERAL: General James T. Dennis, Tarrant County.

To be Members of the TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY: James P. Allison, Travis County; Dr. Elbert Whorton, Jr., Galveston County.

To be a Member of the TEXAS COMMISSION ON UNIFORM STATE LAWS: Stanley Plettman, Jefferson County.

To be Members of the TEXAS WATER WELL DRILLERS BOARD: Gary Dean Grant, Hale County; Murray Don McKinley, Sr., Frio County.

To be Members of the HOSPITAL ADVISORY COUNCIL: Terrie Lynn Brown, Harris County; James E. Bullard, Deaf Smith County; A. J. Gallerano, Harris County; O. Ray Hurst, Travis County; Elizabeth L. Kimmel, Harris County; Wheeler B. Lipes, Nueces County; Dora F. Olivo, Fort Bend County; Margaret Read, Dallas County.

To be a Member of the TEXAS JUDICIAL COUNCIL: Judge Charles W. Barrow, McLennan County.

To be a Member of the BOARD OF PARDONS AND PAROLES: Winona Wilson Miles, Travis County.

To be a Member of the TEXAS SURPLUS PROPERTY AGENCY: Gerald D. Irons, Montgomery County.

MESSAGE FROM THE HOUSE

House Chamber
February 20, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 448, Relating to the creation of, jurisdiction of, and method of selection of judges and presiding judges for the municipal courts of record in San Antonio.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 524 by Lyon Health and Human Resources
Relating to certain fees required for a pharmacist license.

S.B. 525 by Parker Education
Relating to public schools.

S.B. 526 by Parmer, Farabee, Health and Human Resources
McFarland, Whitmire, Glasgow, Truan
Relating to the creation, administration, funding, and review of and assistance to certain programs administered by the state or by nonprofit organizations for the relief of hunger or inadequate diet; amending Chapter 33 of the Human Resources Code by adding: Section 33.0015; Subsections (d) and (e), Section 33.002; Sections 33.0021; 33.013; 33.014; 33.022; and 33.023; and amending the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) by amending Section 9.03 and Subsections (b), (d), (e), (f), and (g), Section 9.04 and adding Subdivision (7) to Section 9.01; and declaring an emergency.

S.B. 527 by Henderson Natural Resources
Relating to factors to be considered in issuing, amending, or renewing a permit for the discharge of waste or pollutants into or adjacent to water in this state.

S.B. 528 by Henderson Natural Resources
Relating to the discharge of effluent within one mile of a park, playground, or schoolyard.

S.B. 529 by Glasgow Education
Relating to school district reporting requirements.

S.B. 530 by Glasgow Education
Relating to prekindergarten classes in public schools.

S.B. 531 by Glasgow Natural Resources
Relating to the creation, administration, powers, duties, operation, expansion, and financing of the Bosque County Water District and authorizing political subdivisions to contract with the district.

S.B. 532 by McFarland Economic Development
Relating to enforcement of agreements to arbitrate disputes.

S.B. 533 by McFarland Economic Development
Relating to the indemnification of directors and others serving at the request of a Non-Profit Corporation for certain expenses incurred.

S.B. 534 by Leedom Education
Repealing Section 54.004, Education Code.

S.B. 535 by Barrientos Intergovernmental Relations
Relating to the firemen's relief and retirement fund in certain cities; amending Sections 2, 3(a), 3(b), 5(a), 5(b), 6(a), 6(b), 6(c), 6(d), 8, 10(a), 10(h), 11(a), 11(b), 11(c), 11(d), 11(e), 11(f), 11(g), 14, 16, 18, 19 and 21; and adding Sections 3(f), 6(e), 6(f), 6(g), 11(1) and Section 23, Chapter 183, Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes).

S.B. 536 by Barrientos Education
Relating to authorizing members of the board of trustees of a junior college district to be elected from single-member trustee districts.

S.B. 537 by Jones Finance
Relating to taxation of insurance companies of another state or a territory.

S.B. 538 by Jones Finance
Relating to the calculation of the taxable value of property in a school district for purposes of public school finance.

S.B. 539 by Whitmire Jurisprudence
Relating to fees collected by district clerks.

S.B. 540 by Whitmire, Washington Intergovernmental Relations
Relating to civil service status of certain city employees employed in specialized police divisions.

S.B. 541 by Parker State Affairs
Relating to state public works contracts and contractors who belong to certain minority groups.

S.B. 542 by Leedom Criminal Justice
Relating to the information required on bail bonds and personal bonds and the manner of taking forfeiture of a bond.

S.B. 543 by Harris Jurisprudence
Relating to venue for personal injury actions against a railroad corporation or an assignee, trustee, or receiver operating a railroad.

S.C.R. 55 by Uribe State Affairs
Proclaiming that the people of the State of Texas stand in solidarity with Soviet Jewry.

CO-AUTHOR OF SENATE JOINT RESOLUTION 13

On motion of Senator Glasgow and by unanimous consent, Senator Sims will be shown as Co-author of **S.J.R. 13**.

RESOLUTION SIGNED

The Presiding Officer, President Pro Tempore Farabee in Chair, announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 35

SENATE BILL 521 REREFERRED

On motion of Senator Lyon and by unanimous consent, **S.B. 521** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Resources.

SENATE BILL 522 REREFERRED

On motion of Senator Lyon and by unanimous consent, **S.B. 522** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Resources.

SENATE BILL 523 REREFERRED

On motion of Senator Lyon and by unanimous consent, **S.B. 523** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Resources.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

GUEST PRESENTED

Senator Sharp was recognized and introduced Dr. Harold R. High of Cuero, Capitol Physician for the Day.

Dr. High was welcomed by the Senate.

COMMITTEE SUBSTITUTE SENATE BILL 299 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 299, Relating to the regulation and taxation of bingo games.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 299 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 299** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 97 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

S.B. 97, Relating to the assignment of judges to district courts giving preference to family law matters.

There was objection.

Senator Mauzy then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **S.B. 97** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sharp, Sims, Traeger, Truan, Uribe, Williams.

Nays: Brown, Henderson, Sarpalius.

Absent: Santiesteban, Washington, Whitmire.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 97 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 97 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Sharp, Sims, Traeger, Truan, Uribe, Williams.

Nays: Brown, Henderson, Montford, Sarpalius.

Absent: Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

SENATE BILL 186 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 186, Relating to the sentencing of a defendant who commits an offense while an inmate in the Texas Department of Corrections.

The bill was read second time and was passed to engrossment.

SENATE BILL 186 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 186 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Santiesteban, Washington, Whitmire.

The bill was read third time and was passed.

SENATE BILL 289 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 289, Relating to denial, revocation, or suspension of a registration as a securities dealer, agent, or salesman and to the probation or reprimand of such a person.

The bill was read second time and was passed to engrossment.

SENATE BILL 289 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Lyon, Washington.

SENATE BILL 397 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 397, Relating to the appointment of a deputy assistant adjutant general.

The bill was read second time and was passed to engrossment.

SENATE BILL 397 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 397** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 351 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 351, Relating to changing the name of the Texas Department of Human Resources to the Texas Department of Human Services.

The bill was read second time and was passed to engrossment.

SENATE BILL 351 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 351** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 17 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

S.C.R. 17, Requesting the Texas Education Agency to assess current health education curriculum requirements for students and teachers, focusing on cancer.

The resolution was read second time and was adopted.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the adoption of the resolution.

COMMITTEE SUBSTITUTE**SENATE CONCURRENT RESOLUTION 18 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

C.S.S.C.R. 18, Requesting the 69th Legislature to support the development of a statewide education network to facilitate cooperation among cancer treatment facilities, etc. to encourage early diagnosis and treatment of cancer.

The resolution was read second time and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 349 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 349, Relating to certain compensation for officers of life insurance companies.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 349 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 398 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 398, Relating to changing the name of the Veterans Affairs Commission to the Texas Veterans Commission.

The bill was read second time and was passed to engrossment.

SENATE BILL 398 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 398** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 73 - (Glasgow): Extending congratulations to Covelle Jones, State Artist 1984-1985.

S.C.R. 53 - By Parmer: Wishing UNICEF and its services to all children of the world a happy 40th birthday.

S.C.R. 54 - By Parmer: Evidencing approval and affirming support and faith in the principles on which the United Nations was founded.

S.R. 138 - By Howard: Expressing sincere appreciation to Superintendent Hubert Simpson.

S.R. 139 - By Howard: Extending congratulations to Superintendent Charles E. Mitchell.

S.R. 140 - By Sharp: Extending welcome to Dr. Harold High, Capitol Physician for the Day.

S.R. 143 - By Truan: Commending Mrs. Lillie Mitchell White.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:56 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(February 19, 1985)

S.C.R. 21

S.C.R. 25

TWENTY-FIFTH DAY
(Thursday, February 21, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Glasgow, Howard.

A quorum was announced present.

Senator Carlos Truan offered the invocation as follows:

This being the week we celebrate George Washington's birthday, this is a prayer that is attributed to him:

"Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion; from pride and